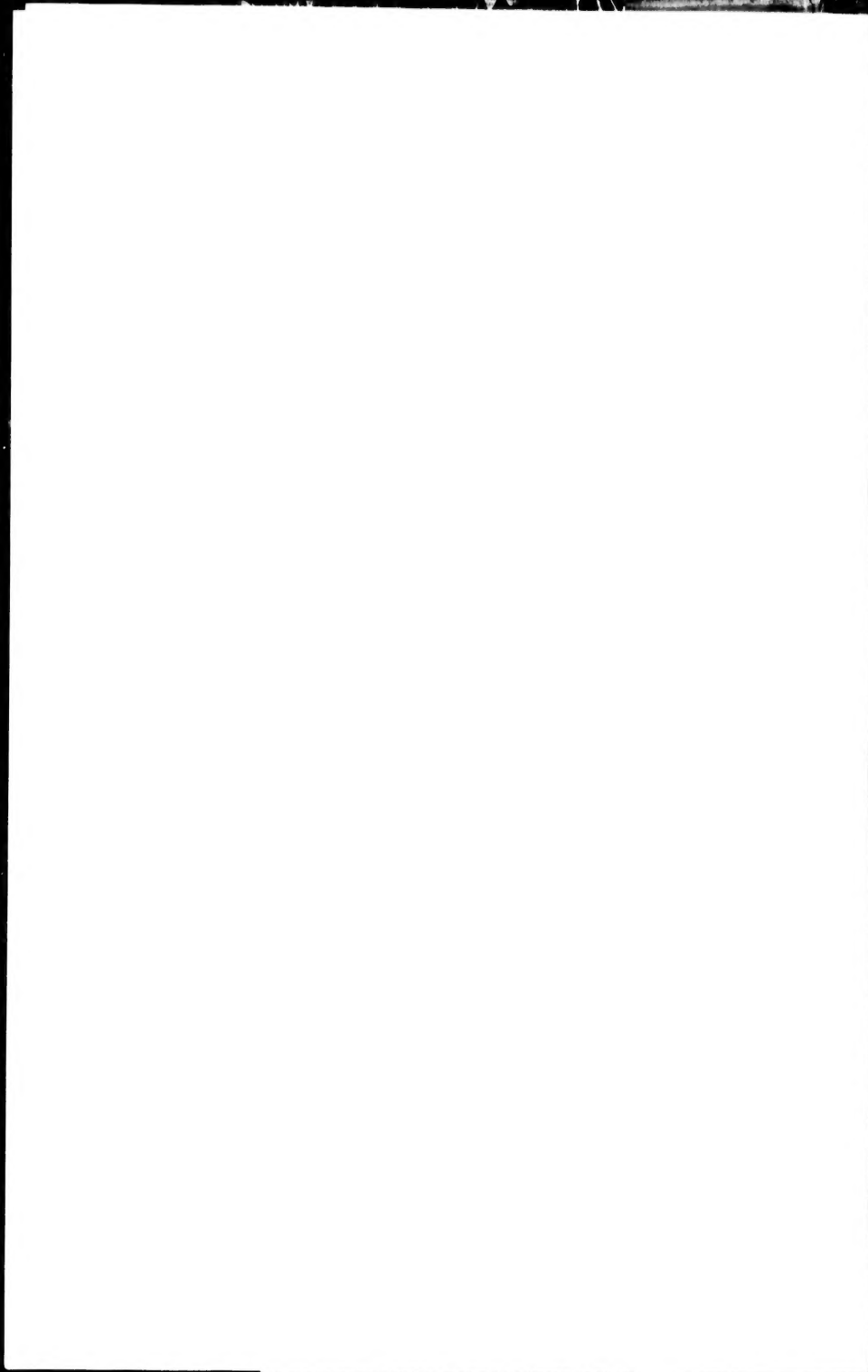




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AMEND THE LAWS IN FORCE

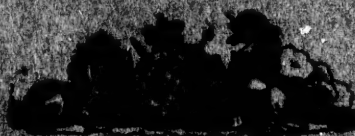
RELATIVE TO

SALE OF INTOXICATING LIQUORS,

AND

THE ISSUE OF LICENSES THEREFOR, AND OTHERWISE FOR EXTENSION OF
LICENSES RESULTING FROM SUCH SALE.

25 & 26 Vic. Chap. 12.



QUEBEC.

PRINTED BY GEORGE DESBARATS AND MALCOLM CAMERON,
Law Printers to the Queen's Most Excellent Majesty.

1882.

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AN ACT
TO
AMEND THE LAWS IN FORCE
RESPECTING THE
SALE OF INTOXICATING LIQUORS,

AND
THE ISSUE OF LICENSES THEREFOR, AND OTHERWISE FOR REPRESSION OF
ABUSES RESULTING FROM SUCH SALE.

27 & 28 Vict., Cap. 18.



QUEBEC:
PRINTED BY GEORGE DESBARATS AND MALCOLM CAMERON,
Law Printer to the Queen's Most Excellent Majesty.

1864.

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VICTORIÆ REGINÆ.

CAP. XVIII.

An Act to amend the laws in force respecting the Sale of Intoxicating Liquors and the issue of Licenses therefor, and otherwise for repression of abuses resulting from such sale.

[Assented to 30th June, 1864.]

WHEREAS it is expedient to amend the laws in force in this Province, respecting the sale of Intoxicating Liquors and the issue of Licenses therefor, and otherwise to provide for the repression of abuses resulting from such sale, the whole as hereinafter is set forth : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

PROVISIONS AS TO LOCAL PROHIBITION.

1. The Municipal Council of every county, city, town, township, parish or incorporated village in this Province, besides the powers at present conferred on it by law, shall have power at any time to pass a by-law for prohibiting the sale of intoxicating liquors and the issue of licenses therefor, within such county, city, town, township, parish or incorporated village, under authority and for enforcement of this Act, and subject to the provisions and limitations hereby enacted. Every County or Local Council may prohibit the sale of intoxicating liquors.

2. Such by-law shall be drawn up and passed in ordinary form ; and shall not have embodied therein any other provision than the simple declaration, that the sale of intoxicating liquors and the issue of licenses therefor, is by such by-law prohibited within such county, city, town, township, parish or incorporated village, under authority and for enforcement of this Act. Form of By-law.

3. Any Municipal Council, when passing such by-law, may order that the same be submitted for approval to the Municipal May be submitted to Electors.

Electors of the municipality ; and in that case, the same shall not take effect, unless approved :

Any 30 or more Electors may require the By-law to be so submitted.

2. Any thirty or more duly qualified Municipal Electors of any municipality in Upper Canada,--or if the by-law is for a county, then of each municipality in the county,--may at any time by a requisition in the form A 1, hereto appended, or to the like effect, signed by them and delivered on their behalf to the Clerk of the municipality, require that any by-law which the Municipal Council thereof may pass under authority and for enforcement of this Act, at any time within one year from the date of such requisition, be submitted for the like approval ; and in that case such by-law shall not take effect unless approved.

In certain cases any thirty Electors may propose such By-law, and demand a poll to determine whether it shall be adopted.

4. Any thirty or more duly qualified Municipal Electors of any city, town, township, parish or incorporated village, the Council whereof has not passed a by-law under authority and for enforcement of this Act, or after passing has repealed the same,--or wherein such by-law, having been submitted for approval, or for adoption, (as the case may be,) to the Electors, either has not been approved or adopted, or after approval or adoption has been repealed,--may at any time (not being, in the latter case, less than two full years after such vote of non-approval or non-adoption, or after such repeal) by a requisition in the form A 2, hereto appended, or to the like effect, signed by them and delivered on their behalf to the Clerk or Secretary-Treasurer of the municipality, propose a by-law to that end, for adoption by the Electors thereof, and require that a poll be taken to determine whether or not they will adopt the same :

Their requisition to be filed.

2. Such Clerk or Secretary-Treasurer, on receiving any such requisition, shall immediately endorse upon the same a certificate under his hand, of the date of the delivery thereof to him ; and shall file and keep the same among the records of the Municipal Council of the municipality.

Notices of the holding of such poll : and when and where it will be held.

5. On the passing of any such order for the submission of a by-law, or the passing of any by-law whereof the submission has been so required, or the receipt of any such requisition for the adoption of a by-law, (as the case may be,) the Clerk or Secretary-Treasurer shall forthwith cause such by-law, or such requisition for adoption of a by-law, (as the case may be,) to be published for four consecutive weeks, in some newspaper published weekly or oftener within the municipality, or if there is no such newspaper published in the municipality, then in some newspaper published as near thereto as may be, and also by posting up copies of the same in at least four public places in the municipality, and if the by-law is for a county, then in at least four public places in each municipality in the county,--with a notice signed by him, signifying that on some day within the week next after such four weeks, at the hour of ten

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in the forenoon, and at some convenient place (or if the by-law is for a county, places) named in the notice, a meeting of the Municipal Electors of the municipality (or if the by-law is for a county, then for each municipality in the county) will be held, for the taking of a poll, to decide whether or not the by-law is approved, or is adopted, (as the case may be,) by such Electors :

2. If the by law is for a county, such poll shall not be taken for the whole county at one place, but shall be taken in each of the several municipalities of the county, respectively ;

3. At such meeting, the Mayor or Reeve of the municipality in which the same is held—or in his absence, such other member of the Municipal Council thereof as may be chosen by the meeting—or if no such member is present, then any Municipal Elector who may be chosen by the meeting—shall preside, and shall have all the powers for the preservation of the public peace, which by law are vested in the person presiding at any municipal election in Lower Canada, or in the Returning Officer at any municipal election in Upper Canada, according as the meeting is in Lower or in Upper Canada ; and the Clerk or Secretary-Treasurer of the municipality shall attend thereat with the assessment rolls of the municipality then in force, or certified copies thereof ; and the only business to be transacted shall be the taking of a poll, as signified by such notice ;

4. Each Elector desiring to vote shall present himself in turn to the person presiding, and shall give his vote "yea" or "nay,"—the word "yea" meaning that he votes for the by-law, and the word "nay" that he votes against the same ; and every vote given shall be recorded in a poll-book by the Clerk or Secretary-Treasurer acting as poll-clerk, or in his absence, by such person as may be named to act as poll clerk by the person presiding ; but no person's vote shall be recorded, unless he appears by the assessment rolls to be a duly qualified Municipal Elector, and further makes oath (if thereto required), in Lower Canada, in terms of the twelfth sub-section of the thirty-third section of the Lower Canada Consolidated Municipal Act,—and in Upper Canada, in terms of the ninth sub-section of the ninety-seventh section of the Act chaptered fifty-four of the Consolidated Statutes for Upper Canada ;

5. If at any time after the opening of the poll, one half hour elapses without a vote being offered, the poll may be closed ;

6. Unless for that cause closed earlier, the poll shall be kept open till the hour of five in the afternoon of the day of the opening thereof, and no longer, if the names of the qualified Municipal Electors on the assessment rolls of the municipality are not more than four hundred in number,—and until the like hour of the next day (Sundays and holidays excluded), if such

If it be for a County.

Who shall preside ; and his powers.

Clerk or Secretary-Treasurer to attend with assessment rolls.

How Electors shall vote ; and what oath they shall take.

Closing poll for want of voters.

Duration of poll in other cases.

names are more than four hundred and not more than eight hundred in number; and so on, allowing one additional day for each additional four hundred names;

Adjourning
polls.

7. Until closed in terms of one or other of the foregoing sub-sections, the poll shall be adjourned daily at the hour of five in the afternoon, to the hour of ten in the forenoon of the next day--Sundays and holidays excluded;

Counting the
votes and cer-
tifying the
result:--De-
posit of poll-
book.

8. At the close of the poll, the person presiding shall count the "yeas" and the "nays," and ascertain and certify on the face of the poll-book, the number of votes given for and against the by-law respectively; and such certificate shall be countersigned by the poll clerk; and the poll-book, with such certificate therein, shall be deposited with and kept by the Clerk or Secretary-Treasurer of the municipality to be affected by the by-law, among the records of the Municipal Council thereof;

If the by-law is
for a County.

9. If the by-law is for a county, the Warden of the county, so soon as the poll-books of the several municipalities therein are so deposited, shall count and add up from each poll-book the total number of the "yeas" and of the "nays," respectively, in all the municipalities forming such county, and shall certify the same in writing; and such certificate shall be countersigned by the Clerk or Secretary-Treasurer of the county, and shall be deposited and kept with the poll-books, among the records of the County Council;

Majority re-
quired for
adoption.

10. If one-half or more of all the votes polled are against the by-law, the same shall be held to be not approved, or not adopted, as the case may be;

The same.

11. If more than half of all the votes polled are for the by-law, the same shall be held to be approved, or adopted, as the case may be;

Ordinary pub-
lication not
required in
L. C.

12. It shall not be necessary, in Lower Canada, that any by-law so approved, or adopted, as the case may be, should be published in the manner required by law in the case of ordinary by-laws;

By-law so
adopted may be
repealed; but
in a certain
manner only
and on certain
conditions.

13. A by-law so approved, or adopted, as the case may be, may be repealed by a by-law of the Municipal Council of the municipality affected thereby; but such repealing by-law shall be submitted for approval to the Electors, in the manner and with the formalities prescribed by the foregoing subsections, and shall not take effect unless approved by a majority of the Electors voting thereon; nor, if any such repealing by-law (upon being submitted to the Electors) is not so approved, shall any other repealing by-law be submitted, for the like approval, within the full term of two years thereafter.

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6. Every by-law passed under authority and for enforcement of this Act, shall be communicated by delivery of a copy thereof, certified by the Clerk or Secretary-Treasurer, to the Collector of Inland Revenue within whose official district the municipality affected thereby is situate:

Copy to be delivered to Collector of Inland Revenue.

2. Whenever such by-law has been approved by the Electors, there shall be endorsed or written upon the copy so delivered, a certificate of the fact, under the hand of the Clerk or Secretary-Treasurer, in the form B. 1, hereto appended, or to the like effect;

Certificate to be endorsed.

3. Whenever such by-law has been adopted by the Electors, a copy of the requisition therefor, certified by the Clerk or Secretary-Treasurer, together with a certificate under his hand thereon endorsed or written, of the fact of its adoption, in the form B. 2, hereto appended, or to the like effect, shall be taken as a duly certified copy of the by-law, for all purposes of such delivery, and for all other purposes whatever.

Certified copies of by-law to be evidence.

7. Every such county by-law shall also, at the same time, be communicated by the like delivery, to the Clerk or Secretary-Treasurer of each municipality in the county, who shall file and keep the same among the records of the Municipal Council thereof.

Copy to the Clerk of each Municipality in the County.

8. As regards the prohibition of issue of licenses, every such by-law shall come into force from the day of the communication thereof to the Collector of Inland Revenue; and as regards the prohibition of such sale, and otherwise, every such by-law,—if on the day of such communication there is in force within the municipality any other by-law for prohibiting and preventing such sale, under authority of the Lower Canada Consolidated Municipal Act, or of the Act chaptered fifty-four of the Consolidated Statutes for Upper Canada, as the case may be, shall come into force so as to become substituted for, and to repeal, such other by-law from that day,—or if on that day there is no such other by-law in force, shall come into force in Lower Canada, from the first day of May, and in Upper Canada from the first day of March next, after that day; and every such by-law shall continue in force, in Lower Canada, until the first day of May, and in Upper Canada until the first day of March, next after the repeal thereof:

When the by-law shall come into force.

Its duration.

2. If at the time of the coming into force of any county by-law, passed under authority and for enforcement of this Act, there is in force within any municipality forming part of such county, any other by-law passed under authority and for enforcement of this Act, the operation of such mentioned by-law shall be and remain suspended for so long as the county by-law continues in force,—but shall revive, in default of express repeal thereof, should the county by-law be repealed.

If there is a by-law of a local municipality in force.

Not to be repealed within a certain time.

9. No such by-law shall be repealed, within the full term of one year from the day of the communication thereof to the Collector of Inland Revenue.

Concurrence of neighboring municipalities.

10. The Municipal Councils of any two or more neighboring municipalities, wherein any such by-law is in force, may each of them, by a further by-law, concur in and confirm, mutually, such by-law or by-laws of the other or others of such municipalities :

Form of concurrence.

2. Such further by-law shall not have embodied therein any other provision than the simple declaration that the by-law or by-laws of the neighboring municipality or municipalities in question are thereby concurred in and confirmed ; and shall be communicated in like manner to the Collector of Inland Revenue, or Collectors, as the case may be :

By-law to be submitted to Electors.

3. Such further by-law shall be submitted for approval to the Electors, in the manner and with the formalities prescribed by the fifth section of this Act,—and shall not take effect, unless approved by a majority of the electors voting thereon ;

How only to be repealable.

4. No by-law so mutually concurred in and confirmed shall thereafter be repealed, unless with the like concurrence in and confirmation of such repeal, on the part of the municipalities in question.

No license to be issued while a prohibitory liquor law remains in force in L. C.

11. In Lower Canada, from the day of communication to him of any by-law passed under authority and for enforcement of this Act, and for so long thereafter as the same continues in force, no Collector of Inland Revenue shall issue any license to take effect within the county, city, town, township, parish or incorporated village, affected by such by-law,—either for keeping an inn, tavern, or other house or place of public entertainment, and for retailing whisky or any spirituous liquors, wine, ale, beer, porter, cider, or other vinous or fermented liquors,—or for keeping an inn, tavern, or other house or place of public entertainment, and for retailing wine, ale, beer, porter, cider, or other vinous or fermented liquors, but not brandy, rum, whisky, or other spirituous liquors,—or for vending or retailing in any store or shop, brandy, rum, whisky, or other spirituous liquors, and wine, ale, beer, porter, cider, or other vinous or fermented liquors, in a quantity not less than three half-pints at any one time ; and no person shall be liable by reason of his not having therein any license of such description, to the penalty of fifty dollars, imposed by the twenty-second section of the Act chaptered six of the Consolidated Statutes for Lower Canada, intituled : “An Act respecting tavern keepers and the sale of intoxicating liquors :

Nor any penalty for want of a license, under Con. Stat. L. C., cap. 6.

The same in U. C.

2. In Upper Canada, from the like day and for the like period, no Collector of Inland Revenue shall issue, to take

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effect within the like limits,—either any tavern license, that is license for the retail of spirituous, fermented or other manufactured liquors to be drunk in the inn, ale-house, beer house, or other house of public entertainment in which the same is sold,—or any shop-license, that is license for the retail of such liquors in shops, stores or places other than inns, ale-houses, beer-houses or places of public entertainment.

12. From the day on which such by-law takes effect for other purposes, as aforesaid, and for so long thereafter as the same continues in force, no person, unless it be for exclusively medicinal or sacramental purposes, or for *bona fide* use in some art, trade or manufacture, or as hereinafter authorized by the third or by the fourth sub-section of this section, shall, within such county, city, town, township, parish, or incorporated village, by himself, his clerk, servant or agent, expose or keep for sale, or directly or indirectly, on any pretence or by any device, sell or barter, or in consideration of the purchase of any other property give, to any other person, any spirituous or other intoxicating liquor, or any mixed liquor capable of being used as a beverage and part of which is spirituous or otherwise intoxicating :

While the by-law is in force no intoxicating liquor to be sold on any pretence, for any but medical or sacramental purposes, &c.

2. And neither any license issued to any distiller or brewer,—nor yet any license for retailing on board any steamboat or other vessel, brandy, rum, whisky, or other spirituous liquors, wine, ale, beer, porter, cider, or other vinous or fermented liquors,—nor yet any license for retailing on board any steamboat or other vessel, wine ale, beer, porter, cider, or other vinous or fermented liquors, but not brandy, rum, whisky, or other spirituous liquors,—nor yet any other description of license whatever,—shall in any wise avail to render legal any act done in violation of this section ;

Licenses to be of no effect.

3. Provided always, that any licensed distiller or brewer having his distillery or brewery within such county, city, town, township, parish, or incorporated village, may thereat expose and keep for sale such liquor as he shall have manufactured thereat, and no other ; and may sell the same thereat, but only in quantities not less than five gallons at any one time, to be wholly removed and taken away therefrom in quantities not less than five gallons at a time ; and provided also, that any such licensed brewer may sell bottled ale or porter of such manufacture in quantities not less than one dozen bottles of at least three half pints each at any one time, to be wholly removed and taken away in quantities not less than one dozen such bottles at a time ;

Not to prevent sale in quantities of five gallons, by licensed persons, at place of manufacture.

Provide : in favor of brewers.

4. Provided also, that any merchant or trader having his store or place for sale of goods within such county, city, town, township, parish or incorporated village, may thereat keep for sale and sell intoxicating liquor, but only in quantities not less

Provide : in favor of merchants for sale in certain quantities.

than five gallons (or in the case of bottled wine, ale or porter than one dozen bottles of at least three half pints each) at any one time, to be wholly removed and taken away in quantities not less than five gallons (or in the case of bottled wine, ale or porter, than one dozen such bottles) at a time.

Selling by the intervention of others forbidden, &c.

Penalty.

The agent equally guilty with the principal.

By whom penalties may be recovered.

Excise officer bound to prosecute.

And before what tribunal.

13. Whoever, by himself, his clerk, servant or agent, exposes or keeps for sale, or directly or indirectly, on any pretence or by any device, sells, or barter, or in consideration of the purchase of any other property, gives, to any other person, any spirituous or other intoxicating liquor, or any mixed liquor capable of being used as a beverage and a part of which is spirituous or otherwise intoxicating, in violation of the twelfth section of this Act, shall incur a penalty of not less than twenty, nor more than fifty dollars for each such offence; and whoever, in the employment or on the premises of another, so exposes or keeps for sale, or sells, or barter, or gives, in violation of the said section, shall be held equally guilty with the principal, and shall incur the same penalty.

14. Any prosecution for such penalty may be brought by or in the name of the Collector of Inland Revenue within whose official district the offence was committed,—or by or in the name of the corporation of the municipality wherein the offence was committed,—or by or in the name of any person, whether authorized by the Council of such municipality or not; and where the by-law is a county by-law, the corporation of the county, equally with that of the municipality comprised therein and within which the offence was committed, may prosecute, or may authorize any person to prosecute:

2. It shall be the duty of such Collector of Inland Revenue to bring such prosecution, whenever he shall have reason to believe that such offence has been committed, and that a prosecution therefore can be sustained, and would not subject him to any undue measure of responsibility in the premises;

3. Such prosecution may be brought before any Stipendiary Magistrate, or before any two other Justices of the Peace for the district in Lower Canada, or for the county or union of counties in Upper Canada, wherein the offence was committed,—or, if the offence was committed in the district either of Montreal or of Quebec, then before the Recorder or Judge of the Sessions of the Peace at Montreal or Quebec, as may be, or, if the offence was committed in any other district in Lower Canada, then before the Sheriff of such district,—or, if the offence was committed in any city or town in Upper Canada, having a Recorder or Police Magistrate, then before such Recorder or Police Magistrate,—or if the offence was committed in any city or town in Upper Canada not having a Recorder or Police Magistrate, then before the Mayor thereof;

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4. If such prosecution is brought before any such Stipendiary Magistrate, Recorder, Judge of the Sessions of the Peace, Sheriff, Police Magistrate or Mayor, no other Justice shall sit or take part therein ; If before a stipendiary Magistrate, &c.

5. If such prosecution is brought before any two other Justices of the Peace, the summons shall be signed by both of them ; and no other Justice shall sit or take part therein, unless by reason of their absence, or the absence of one of them, nor yet in the latter case, unless with the assent of the other of them ; If before two J. P's.

6. In the next following twenty-four sections, the word "Justice" includes any such Stipendiary Magistrate, Recorder, Judge of the Sessions of the Peace, Sheriff, Police Magistrate, or Mayor, or any such two other Justices of the Peace, as the case may be. Interpretation as to next 24 sections.

15. Every such prosecution shall be commenced within three months after the alleged offence, and shall be heard and determined in a summary manner, either upon the confession of the defendant, or upon the evidence of one or more witnesses. Limitation and form of suit.

16. It shall not be necessary, in any such prosecution, to set forth or mention on the face of the complaint, summons, conviction, warrant of distress or warrant of commitment, the by-law bringing the municipality within the special purview of this Act ; but such complaint, summons, conviction and warrants may be in the forms C, D, E, F and G respectively, hereto appended, or to like effect ; and unless the defendant specially puts in issue the fact of such by-law being in force, such fact shall be presumed by the Justice ; and if such fact is so put in issue, the production of a copy of such by-law, certified under the hand of the Clerk or Secretary-Treasurer of the Municipality, and having thereon a certificate under the hand of the same officer, of the due publication (if requisite), and communication to the Collector of Inland Revenue of such by-law, or of such communication only, if publication thereof was not requisite, shall be conclusive proof of the passing and of the tenor thereof, and also of such publication and communication thereof, the whole as so certified ; and no fact so certified touching such by-law shall be incidentally put in issue or questioned in the course of any such prosecution. What only it shall be necessary to insert in the complaint, &c. As to allegation and proof of by-law.

17. Two or more offences, by the same party, may be included in any such complaint, provided the time and place of each offence is stated ; and in that case, the forms aforesaid shall be altered, so far as need may be, accordingly : Several offences may be included.

2. But whatever may be the number of the offences so included in one complaint, the maximum of penalty imposable for them all shall in no case exceed one hundred dollars. Proviso: total penalty limited.

Ex parte if
defendant does
not appear.

18. If in any such case the defendant fails to appear as required by the summons, the Justice may proceed *ex parte* to the consideration and hearing thereof, and may adjudicate therein, as fully and effectually to all intents as though the defendant had duly appeared in obedience to the summons.

Amendment of
complaint.

19. Any such complaint may be amended before final hearing, in any matter of form or substance, upon application to that effect, by or for the prosecutor, and without costs, unless otherwise specially ordered by the Justice; and on such amendment being made, the defendant (should he require it) may have a further delay to plead to the merits, or for plea and proof, as may be ordered; and if the complaint, in the opinion of the Justice, is so defective that a legal conviction cannot be based upon it, and is not amended, the Justice may dismiss the case, with or without costs in his discretion.

If adjudged too
defective.

Not to be dis-
missed for in-
formality, &c.;
but adjourned
in certain cases.

20. No such prosecution shall otherwise be dismissed for any defect, informality, error or omission; but if it appears that the defendant has been, or may have been, materially misled thereby, the Justice may, on such terms as he thinks fit, adjourn the further proceedings in the case to a future day.

No costs
against pro-
secutor if pro-
bable cause.

21. If any such prosecution is dismissed, the Justice, should he be of opinion that there was probable cause for the complaint, shall not award to the Defendant costs against the prosecutor.

Service of
process, &c.

22. Every summons or other process, proceeding, or paper, in any such case, may be served, and the service thereof certified under his oath of office, by any bailiff, or by any constable or peace officer, duly appointed for the locality wherein the same is pending.

Depositions
may be reduced
to writing and
filed.

23. In every such case, if the Justice so orders, or if either party so requires, the depositions of the witnesses shall be reduced to writing by the Justice, or by such clerk as the Justice may appoint to that end, and shall be filed of record in the cause; such clerk shall be entitled to charge and receive, at the rate of ten cents for each hundred words of evidence so reduced to writing, or of two dollars *per diem*, in the discretion of the Justice,--to be entered in taxation, and paid by either party, or partly by each party, as the conviction or judgment in the case may ordain; and if no conviction or judgment is rendered therein within two months after the taking of such evidence, then the fees of such clerk shall be paid in equal shares by each party.

Fees to clerk
employed and
how paid.

Proof of precise
date of offences
dispensed with.

24. It shall not be necessary, in any such case, to prove that an offence was committed on the precise day specified, in order to obtain a conviction; provided it is proved that the

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25. In all such cases, the delivery of intoxicating liquor of any kind in or from any building, booth or place, other than a private dwelling house or its dependencies, or in or from any dwelling house or its dependencies, if any part thereof is used as a tavern, eating house, grocery, shop, or other place of common resort,—such delivery in either case being to any one not *bonâ fide* a resident therein,—shall *primâ facie* be deemed evidence of and punishable as a sale in violation of the twelfth and thirteenth sections of this Act; and any such delivery in or from a private dwelling house or its dependencies, or in or from any other building, booth or place whatever, to any one whether resident therein or not, with payment or promise of payment, either express or implied, before, on or after such delivery, shall *primâ facie* be deemed evidence of and punishable as a sale in violation of the said sections.

Delivery of
liquor in
otherwise than
private houses
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evidence of a
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What shall be
so deemed in
private houses
or to residents.

26. In any such case, the Justice may summon any person represented to him as a material witness in relation thereto; and if such person refuses or neglects to attend pursuant to such summons, the Justice may issue his warrant for the arrest of such person, and he shall thereupon be brought before the Justice; and if he refuses to be sworn or to affirm, or to answer any question touching the case, he may be committed to the common gaol, there to remain until he consents to be sworn, or to affirm and to answer.

Summoning
witnesses;
commitment of
those refusing
to answer.

27. No person shall be incompetent on account of interest in the event of any such case, to give evidence therein.

Interest no
excuse.

28. Any person examined or called as a witness in any such case, shall be bound to answer all questions put to him and which the Justice deems relevant, notwithstanding his answers may disclose facts subjecting or tending to subject him to any penalty or other criminal proceeding; but his answers shall not be used against himself in any prosecution or criminal proceeding.

Witnesses
bound to
answer all rele-
vant questions.

29. Any person who, either before or after the summons of any witness in any such case, tampers with such witness, or by any offer of money, or by threat or otherwise, directly or indirectly, induces or attempts to induce any such person to absent himself or herself or to swear falsely, shall be liable to a penalty of fifty dollars for each such offence.

Penalty for
tampering with
witnesses.

30. Whenever judgment is rendered under the said twelfth and thirteenth sections of this Act, for the amount of any penalty and costs, the Justice, if he sees fit, may call on the defendant to declare whether or not he possesses sufficient goods and chattels to satisfy the same,—and if the answer is affirmative, may further examine him as to the sufficiency of

Defendant may
be examined as
to his means of
satisfying the
judgment.

Imprisonment
if his answers
are not satis-
factory.

such goods and chattels, and as to their being or not being readily available for seizure under a warrant of distress ; and if the defendant either answers in the negative, or refuses to answer, or fails to answer to the satisfaction of the Justice, he may be forthwith imprisoned under the warrant of the Justice, in the common gaol of the district, or county, or union of counties, for a period of not less than one nor more than three months, counting from the day of his arrival as a prisoner at such gaol ; but the defendant, in that case, may at any time obtain his liberation from such imprisonment, by making full payment of such amount and of all subsequent costs.

Imprisonment
if defendant is
absent and does
not appear to
have goods to
satisfy judg-
ment.

31. If the defendant is not present at the time of the rendering of such judgment, and it is made to appear to the satisfaction of the Justice, by affidavit, that the issue of a warrant of distress would be likely to fail of realizing the full amount thereof, in penalty and costs, the defendant may be forthwith imprisoned in such common gaol under warrant of the Justice, for a period of not less than one nor more than three months, counting from the day of his arrival as a prisoner at such gaol ; but the defendant, in that case, may at any time obtain his liberation from such imprisonment, by making full payment of such amount and of all subsequent costs.

Execution if
defendant has
sufficient goods.

32. If the Justice does not so interrogate the defendant, being present,—or if the defendant being interrogated shows that he possesses a sufficiency of available goods and chattels to satisfy the amount of the judgment in penalty and costs,—or if in the absence of the defendant it is not shown to the satisfaction of the Justice, that the issue of a warrant of distress would be likely to fail of realizing the full amount of the judgment, in penalty and costs,—then in default of immediate payment, such amount shall be levied by warrant of distress out of the goods and chattels of the defendant ; and in default of such goods and chattels or in case of their being insufficient, the defendant shall be imprisoned in such common gaol, under warrant of the justice, for a period of not less than one nor more than three months, counting from the day of his arrival as a prisoner at such gaol ; and the defendant, in that case, may at any time obtain his liberation from such imprisonment, by making full payment of such amount and of all subsequent costs.

In default of
goods, impris-
onment.

Liberation on
payment in full.

Application of
penalties, in
L. C.

33. In Lower Canada, such penalties shall be disposed of in the following manner, that is to say :

If prosecuted
by Collector of
Revenue.

1. If the prosecution was brought by or in the name of a Collector of Inland Revenue, and not under authorization from the Council of a municipality, two third parts shall belong to and be retained by such Collector,—but subject to the obligation of paying over one of such two third parts to any person on whose information he may have instituted the prosecution ;

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and the remaining third part shall, by the Collector, be paid over to the Sheriff of the district wherein the offence was committed, and shall form part of the Building and Jury Fund thereof :

2. If the prosecution was brought by or in the name of the corporation of a municipality, or by or in the name of any person authorized by the Council thereof, two third parts shall belong to such corporation ; and the council of the municipality may pay over not more than one of such two third parts, either to such person, or to any other person upon whose information the prosecution may have been instituted ; and the remaining third part shall, by the corporation, be paid over to the Sheriff of the district wherein the offence was committed, and shall form part of the Building and Jury Fund thereof ;

If prosecution
is in the name
of a municipi-
pality.

3. If the prosecution was brought by or in the name of any person not so authorized, the penalty shall be paid over to the Sheriff of the district wherein the offence was committed, and shall form part of the Building and Jury Fund thereof.

If brought by
another person.

34. In Upper Canada, all such penalties shall be disposed of in the following manner, that is to say :

Application of
penalties in
U. C.

1. If the prosecution was brought by or in the name of a Collector of Inland Revenue, and not under authorization from the Council of a municipality, two third parts shall belong to and retained by such Collector,—but subject to the obligation of paying over one of such two third parts to any person on whose information he may have instituted the prosecution ; and the remaining third part shall by the Collector be paid over to the Receiver General, for the Upper Canada Building Fund ;

If prosecuted
by a Collector
of Inland Re-
venue.

2. If the prosecution was brought by or in the name of the corporation of a municipality, or by or in the name of any person authorized by the Council thereof, the whole shall belong to such corporation ; and the Council of the Municipality may pay over not more than one-half thereof, either to such person, or to any other person upon whose information the prosecution may have been instituted ;

If by a Muni-
cipality.

3. If the prosecution was brought by or in the name of any person not so authorized, the penalty shall belong to the corporation of the municipality whose by-law is thereby enforced ; and in that case, the Council may pay over to any other person upon whose information the prosecution may have been instituted, not more than one-half of the whole penalty or may apply the same to Municipal purposes as they see fit.

If by a private
party.

35. Any persons bringing such prosecution under authorization from a Municipal Council, shall be indemnified by the

Indemnifica-
tion of prosecu-

tors authorized
by municipali-
ties as to costs.

corporation of the municipality so authorizing him, for all cost therein, whatever may be the result of the prosecution :

In U. C. with-
out such
authority.

2. In Upper Canada any person bringing such prosecution to a successful issue, without having been so authorized, shall be indemnified by the corporation whose by-law is thereby enforced, for any amount of cost which, without default on his part, he may have failed to recover from the defendant ;

In L. C.

3. In Lower Canada, under like circumstances, any such person shall be indemnified in the like manner, but only to the extent of such moneys as within the current year may be paid into the funds of such corporation on account of penalties recovered under such prosecutions ;

The same.

4. Whenever any person is committed to gaol under the thirtieth, thirty-first, or thirty-second section of this Act, the cost of his arrest and conveyance to gaol shall in like manner be borne by the corporation whose by-law is thereby enforced.

No *certiorari*
allowed nor
appeal in cer-
tain cases.

36. No conviction, judgment or order, in any such case, shall be removed by *certiorari* or otherwise, into any of Her Majesty's Superior Courts of Record ; nor shall any appeal whatever be allowed from any such conviction, judgment, or order, to any Court of General Quarter Sessions, or other Court whatever when the conviction has been made by a Stipendiary Magistrate, Recorder, Judge of the Sessions of the Peace, Sheriff or Police Magistrate.

No by-law void
for defect of
form.

37. No by-law passed under authority and for enforcement of this Act, shall be set aside by any Court, for any defect of procedure or form whatever :

Or for defect in
matters pre-
cedent to the
poll.

2. And no such by-law, adopted by the Electors of a municipality under the fourth and fifth sections of this Act, shall be set aside by any Court, for any defect whatever, whether of form or substance, affecting the requisition therefor, the authenticity or number of the signatures thereto, the qualification of the signers thereof, or any matter, thing or procedure antecedent to the first publication of the notice given for the poll taken thereon unless the same be unauthorized by this Act.

Obligation of
Municipal
officers to per-
form duties
assigned to
them by this
Act.

38. Every duty devolving upon any Municipal Officer under any of the foregoing sections of this Act, whether in Lower or in Upper Canada, shall be performed by such Officer, with the same powers and under the same penalties and liabilities, in all respects whatever, as though the same devolved upon him under the express enactments of the Lower Canada Consolidated Municipal Act, or of the Act chaptered fifty-four of the Consolidated Statutes for Upper Canada, as the case may be :

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2. All the provisions of the said Acts respectively, for the preservation of peace and good order at Municipal Elections, the prevention and punishment of offences at or with respect to such Elections, the expenses thereof, the power to appoint and swear special constables, and to administer oaths or affirmations to voters, the remedy in case of interruption of the proceedings, and generally all the provisions of the said Acts respectively relating to Municipal Elections and the polls thereat, and all matters incident thereto, shall apply to polls taken under this Act and the proceedings thereat, the Officers and persons presiding at or employed in or about the same, and all matters incident thereto, as if such polls were held with respect to elections under the said Acts,—except only in so far as such provisions may be inconsistent with those of this Act.

Provisions of
Municipal Acts
for preservation
of order at
Elections, to
apply to those
under this Act

GENERAL PROVISIONS, IRRESPECTIVE OF LOCAL PROHIBITION.

39. In prosecutions for the sale or barter, in any locality wherein no by-law passed under authority and for enforcement of this Act is in force, of intoxicating liquor of any kind, without the license therefor by law required, or contrary to the true intent and meaning of the law in that behalf, it shall not be necessary that any witness should depose directly to the precise description of the liquor sold or bartered or the precise consideration therefor or to the fact of the sale or barter having taken place with his participation or to his own personal and certain knowledge, but the Justice or Justices trying the same, so soon as it may appear to him or them that the circumstances in evidence sufficiently establish the infraction of law complained of, shall put the defendant on his defence, and in default of his rebuttal of such evidence, shall convict him accordingly :

In prosecutions
for sale without
license certain
presumptions
sufficient to
put defendant
on his defence,
and convict
him in default
of rebuttal.

2. In every such prosecution, such Justice or Justices may summon any person represented to him or them as a material witness in relation thereto ; and if such person refuses or neglects to attend pursuant to such summons, the Justice or Justices may issue his or their warrant for the arrest of such person ; and he shall thereupon be brought before the Justice or Justices, and if he refuses to be sworn or to affirm, or to answer any question touching the case, he may be committed to the common gaol, there to remain until he consents to be sworn or to affirm, and to answer.

Witnesses
summoned and
not appearing
may be brought
up by warrant.

40. Whenever in any inn, tavern, or other house or place of public entertainment, or wherein refreshments are sold, or in any place wherein intoxicating liquor of any kind is sold, whether legally or illegally, any person has drunk to excess of intoxicating liquor of any kind, therein furnished to him, and while in a state of intoxication from such drinking has come to his death by suicide, or drowning, or perishing from cold, or other accident caused by such intoxication, the keeper of such inn, tavern, or other house or place of public entertain-

Liability of
Innkeepers or
persons in their
employment, &c.,
who give liquor
to persons who
become intoxica-
ted and
commit suicide
or perish from
cold, &c.

ment, or wherein refreshments are sold, or of such place wherein intoxicating liquor is sold, and also any other person or persons who for him or in his employ delivered to such person the liquor whereby such intoxication was caused, shall be jointly and severally (solidairement) liable to an action as for personal wrong, if brought within three months thereafter, but not otherwise, by the legal representatives of the deceased person; and such legal representatives may bring either a joint and several action against them or a separate action against either or any of them, and by such action or actions may recover such sum not less than one hundred nor more than one thousand dollars, in the aggregate of any such actions as may therein be assessed by the Court or Jury as damages :

Action against them.

Sect. 30 of cap. 6. Con. Stat. L. C. repealed.

Persons who furnish the liquor liable for assault committed by a person thereby intoxicated.

2. The thirtieth section of the Act chaptered six of the Consolidated Statutes for Lower Canada, is hereby repealed.

41. If a person in a state of intoxication assaults any person, or injures any property, whoever furnished him with the liquor which occasioned his intoxication,—if such furnishing was in violation of this Act, or otherwise in violation of law,—shall be jointly and severally (solidairement) liable to the same action by the party injured as the person intoxicated may be liable to; and such party injured, or his legal representatives, may bring either a joint and several actions against the person intoxicated and the person or persons who furnished such liquor, or a separate action against either of any of them.

Husband, wife, &c., may notify sellers of liquor not to furnish it to any person addicted to drinking.

Liability of persons so notified.

Married women may bring action for damages.

42. The husband, wife, parent, brother, sister, tutor, guardian, or employer, of any person who has the habit of drinking intoxicating liquor to excess,—or the parent, brother, or sister, of the husband or wife of such person,—or the tutor or guardian of any child or children of such person,—may give notice in writing, signed by him or her, to any person licensed to sell, or who sells or is reputed to sell, intoxicating liquor of any kind, not to deliver intoxicating liquor to the person having such habit; and if the person so notified do at any time within twelve months after such notice, either himself, or by his clerk, servant, or agent, otherwise than in terms of a special requisition for medicinal purposes, signed by a licensed medical practitioner, deliver, or in or from any building, booth, or place occupied by him, and wherein or wherefrom any such liquor is sold, suffer to be delivered, any such liquor to the person having such habit, the person giving the notice may in an action as for personal wrong, (if brought within six months thereafter, but not otherwise,) recover of the person notified such sum not less than twenty nor more than five hundred dollars, as may be assessed by the Court or Jury as damages; and any married woman may bring such action in her own name, without authorization by her husband; and all damages recovered by her shall in that case go to her separate use; and in case of the death of either party, the action and right of

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action given by this section shall survive to or against his legal representatives.

43. Any payment or compensation for liquor furnished in contravention of this Act, or otherwise in violation of law, whether made in money or securities for money, or in labor or property of any kind, shall be held to have been received without any consideration, and against law, equity, and good conscience,—and the amount or value thereof may be recovered from the receiver by the party who made the same; and all sales, transfers, conveyance, liens and securities of every kind in whole or part made, granted, or given, for or on account of liquor so furnished in contravention of this Act, or otherwise in violation of law, shall be wholly null and void, save only as regards subsequent purchasers or assignees for value, without notice; and no action of any kind shall be maintained, either in whole or in part, for or on account of any liquor so furnished in contravention of this Act, or otherwise in violation of law.

Money paid for liquor sold contrary to this Act may not be recovered.

Securities, &c. for payment to be void.

44. In all places where by law intoxicating liquors or any particular description or descriptions of such liquors, are allowed to be sold by retail, no sale or other disposal of such liquors shall take place therein, or on the premises thereof, or out of or from the same, to any person whomsoever, from the hour of nine on Saturday evening, till the hour of six on the Monday morning thereafter,—except in cases where a special requisition for medicinal purposes, signed by a licensed medical practitioner, or by a Justice of the Peace, is produced by the vendee or his agent; nor shall any such liquors be permitted to be drunk in any such place, except by travellers or by persons *bonâ fide* resident, lodging or boarding thereat during the time prohibited by this section for the sale of the same:

No liquors to be sold at certain hours on Sunday, &c.

Exception as to travellers or medicinal purposes.

2. For every offence under this section, a penalty of not less than ten nor more than fifty dollars, with costs, shall in case of conviction, be recoverable from, and leviable against the goods and chattels of the person or persons who are the proprietors in occupancy, or tenants or agents in occupancy, of such place or places, and who are found by himself, or herself or themselves, or his, her or their servants or agents, to have committed or aided in committing such offence;

Penalty for offences against this section.

3. The two hundred and fifty-fourth, two hundred and fifty-fifth, two hundred and fifty-sixth, two hundred and fifty-seventh and two hundred and fifty-eighth sections of the Act chaptered fifty-four of the Consolidated Statutes for Upper Canada, are hereby repealed.

Sections of cap. 54 Con. Stat. U. C. repealed.

45. Any Police Officer or Constable being thereto authorized in writing, as hereinafter is provided, may at any time

Police officers &c., duly au-

thorized, may enter at any time into any tavern, &c.

enter into any inn, tavern, or other house or place of public entertainment, or wherein refreshments or intoxicating liquors are sold, or reputed to be sold, whether legally or illegally; and any person being therein or having charge thereof, who refuses, or after due summons fails, to admit such Police Officer or Constable into the same, or offers any obstruction to his admission thereto, shall be liable to a penalty of not less than ten nor more than fifty dollars for every such offence;

Who may give such authority.

2. Any two or more Justices of the Peace may grant such authorization to avail within any city, town, township, parish, or incorporated village, therein designated and being within the jurisdiction of such Justices, for any term of time therein specified, not exceeding three months;

How it may be cancelled.

3. The Justices of the Peace who granted such authorization, or any one or more of them, may at any time cancel the same, by a written order to that effect under their or his hand, delivered to such Police Officer or Constable; and any Police Officer or Constable acting or assuming to act under any authorization after the same has been so cancelled, shall be guilty of a misdemeanor.

Penalty for acting under it afterwards.

Prosecutions under the two next preceding sections.

46. Any person may be the informant or complainant in prosecuting under either of the last preceding two sections of this Act; all proceedings shall be begun within thirty days from the date of the offence; all informations, complaints, or other necessary proceedings may be brought and heard before any one or more Justices of the Peace for the district, or county, or union of counties, wherein the offence or offences were committed or done; the mode of procedure in, and the forms appended to, the Consolidated Statute of Canada respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders, may be followed as regards all such cases and proceedings; and all penalties which may be recovered therein shall belong to the corporation of the city, town, township, parish, or incorporated village wherein the offence was committed.

Forms in such cases.

Application of penalties.

PROVISIONS IRRESPECTIVE OF LOCAL PROHIBITION, BUT AFFECTING ONLY LOWER CANADA.

Provisions of cap. 6, Con. Stat. L. C. repealed.

47. The second sub-section of the twenty-second section of the Act chaptered six of the Consolidated Statutes for Lower Canada, is hereby repealed.

Terms of imprisonment defined.

48. It is hereby declared and enacted, that the several terms of imprisonment set forth in the thirty-eighth, thirty-ninth, and fortieth sections of the said last mentioned Act, are to be reckoned from the day of the arrival of the party as a prisoner at the gaol of the district.

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40. The fiftieth section of the said last mentioned Act is hereby so amended, as to permit the appeal therein provided for, to be made either to the Court of General Quarter Sessions of the Peace as therein ordained,—or to the Circuit Court sitting in the County, or at the “chef-lieu” of the district,—as the Judge allowing such appeal may in his discretion see fit to order; and thereupon the petition and record shall be returned, filed and otherwise dealt with accordingly, in the Court so by him designated.

Section 60 amended as to appeals under it.

INTERPRETATION, &c.

50. The words “intoxicating liquor” or “intoxicating liquors” whenever they occur in this Act, shall be understood to mean and comprehend all spirituous and malt liquors, all wines, and all combinations of liquors or drinks which are intoxicating.

“Intoxicating liquors.”

51. The words “city,” “town,” and “incorporated village,” wherever they occur in this Act, shall be understood to mean and comprehend every city, town and village respectively, which by law is a municipal corporation, whether so constituted by any special Act or otherwise, and the words “township,” and “parish,” wherever they occur in this Act, shall be understood to mean and comprehend not only every township or parish but also every part of a township or parish, which by law is a municipal corporation.

“City,” “Town,” &c.

“Township,” “Parish.”

52. This Act may be cited as “The Temperance Act of 1864.”

Short title.

53. The Provincial Secretary shall cause a reasonable supply of copies of this Act to be furnished, at the public charge, with all convenient despatch, to the Council of every municipality in this Province.

Distribution of Act.

(A. I.)

FORM OF REQUISITION THAT BY-LAW BE SUBMITTED,
FOR APPROVAL, TO ELECTORS.

The undersigned, qualified Municipal Electors of (designate the Municipality,) hereby require that any by-law which the Municipal Council thereof may pass under authority and for enforcement of the Temperance Act of 1864, at any time within one year from the date hereof, be submitted for approval to the Municipal Electors of the said municipality.

Witness our hands, this day of in the year of Our Lord, one thousand eight hundred and

(A. 2.)

FORM OF REQUISITION FOR A POLL ON BY-LAW PROPOSED FOR
ADOPTION, TO ELECTORS.

The undersigned, qualified Municipal Electors of (designate the Municipality,) hereby require that a poll be taken in terms of the Temperance Act of 1864, to determine whether or not the qualified Municipal Electors of the said municipality will adopt, under authority and for enforcement of the said Act, the by-law following, which we hereby propose for their adoption, to wit:

The sale of intoxicating liquors and the issuing of licenses therefor, is by the present by-law prohibited within the (designate the Municipality) under authority and for enforcement of the Temperance Act of 1864.

Witness our hands, this day of in the year of Our
Lord, one thousand eight hundred and

(B. 1.)

FORM OF CERTIFICATE OF APPROVAL OF BY-LAW BY ELECTORS.

The foregoing by-law of the municipal Council of (designate the Municipality,) having been submitted for approval, by order of the said Municipal Council, to the Municipal Electors of the said (designate the Municipality,) has been by them duly approved, in terms of the Temperance Act of 1864.

Witness my hand this day of in the year of Our
Lord, one thousand eight hundred and

(B. 2.)

FORM OF CERTIFICATE OF ADOPTION OF BY-LAW BY ELECTORS.

The by-law proposed by the foregoing requisition, for adoption, to the Municipal Electors of the said (designate the Municipality) has been by them duly adopted, in terms of the Temperance Act of 1864.

Witness my hand, this day of in the year of Our
Lord, one thousand eight hundred and

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(C.)

PROPOSED FOR

FORM OF COMPLAINT.

Province of Canada, } A. B., (designate duly and sufficiently the corporation or other
 District (or as case may be) of } prosecutor, as the case may require,) in behalf of Our Sovereign Lady the Queen, prosecutes C. D. of (designate duly and sufficiently the defendant,) and complains: That the said C. D., at (designate duly the municipality,) on (designate the time or times,) and at sundry times before or since, did (here state succinctly the offence charged,) contrary to the Temperance Act of 1864, then and there being fully in force; whereby and by force of the said Act, the said C. D. hath become liable to pay the sum of

Wherefore the said prosecutor prays that the said C. D. be condemned to pay the said sum of _____, with costs.

(D)

FORM OF SUMMONS.

Province of Canada, } To C. D. of (designate duly and
 District (or as case may be) of } sufficiently the defendant.)

You are hereby commanded to appear before (us or me, as the case may be) the undersigned Justices of the Peace for the said District (or as the case may be,) at (name the place,) on the _____ day of _____ at the hour of _____ in the _____ noon, (if the summons be issued by two Justices and not by a Stipendiary Magistrate, Recorder, Judge of the Sessions of the Peace, or Police Magistrate, add here the words, "or before such other Justices of the Peace for the said District," or as the case may be, "as may then be there," to answer to the matters charged against you by (designate the prosecutor,) who prosecutes you in Her Majesty's behalf, as the same are set forth in the complaint hereto annexed,—otherwise judgment will be given against you by default.

Given under our (or my) hand and seal, this _____ day of _____ in the year of Our Lord one thousand eight hundred _____ and in the district (or as case may be) aforesaid.

(Signatures and Seals.)

CERTIFICATE OF SERVICE.

I, the undersigned, E. F. of (designate duly the bailiff or other party certifying,) do hereby certify, upon my oath of office,

that on the _____ day of _____, I did serve the within summons, and the complaint thereto annexed, on the within named defendant, at the hour of _____ of the clock in the _____ noon, by leaving a true and certified copy of the said summons and of the said complaint at the domicile of the said defendant, in the _____, speaking to (or, if the service was personal, by speaking to him and leaving with him a true and certified copy of the said summons and of the said complaint at

(To be dated and signed in the ordinary manner.)

(E.)

FORM OF CONVICTION.

PROVINCE OF CANADA, } Be it remembered that on the District (or as case may be) of _____ day of _____, in the year of Our Lord one thousand eight hundred and _____, at (designate the place where the conviction is had) in the said district (or as case may be,) C. D., of (designate the defendant,) is convicted before the undersigned, G. H., Esquire, of _____ (designating the official function of the party convicting, as the case may be) for that he the said C. D. did (state succinctly the offence) and I (or we) adjudge the said C. D. for his said offence, to forfeit and pay to (designate the Prosecutor) the sum of _____, and also the further sum of _____ for costs, in this behalf.

Given under my (or our) hand and seal, the day and year first above mentioned.

(Signature and Seal.)

(F.)

FORM OF WARRANT OF DISTRESS.

PROVINCE OF CANADA, } G. A., Esquire, of _____ design- District (or as case may be) of _____ nating the official function of the party issuing the warrant.)

To any bailliff, constable or other officer of the Peace in and for the said district (or as case may be):

Whereas C. D., of _____ (designate the defendant,) hath been convicted before _____ of having (state the offence,) and for such offence adjudged to pay A. B. (designate the Prosecutor) the sum of _____, and also the further sum of _____ for costs in that behalf: *

These are therefore to command you, and each of you, to distrain the goods and chattels of the said C. D., wheresoever they may be found within the said district (or as case may be), and thereon to levy the said penalty and costs, making together the sum of _____; and if, within the space of four days next after such distress made, the said last mentioned sum of _____, together with the reasonable charges of taking and keeping the said distress, are not paid, that then you do sell the said goods and chattels so by you distrained as aforesaid, and out of the money arising from such sale, that you do pay the said sum of _____ unto the said A. B., refunding to the said C. D. the overplus, the reasonable charges of taking, keeping and selling the said distress being first deducted; and you are to certify to me (or us) with the return of this warrant what you shall have done in the execution thereof. Herein fail not.

Given under my (or our) hand and seal, this _____ day of _____ in the year of Our Lord one thousand eight hundred and _____, at _____ in the district (or as case may be), aforesaid.

(Signature and Seal.)

(G. 1.)

FORM OF WARRANT OF COMMITMENT, UNDER SECTION THIRTY OR THIRTY-ONE.

PROVINCE OF CANADA, } To all or any of the bailiffs, cons-
DISTRICT (or as case } tables and other officers of the peace,
may be) of } in the District (or as case may be)
of _____ and to the keeper of the gaol of the same district
(or as case may be.)

Whereas, &c. (as in the foregoing Form F, to the mark *); And whereas (state circumstances under which, in terms of section thirty or thirty-one, as case may be, the warrant is issued); These are therefore to command you the said bailiffs, constables or officers of the Peace, or any one of you, to take the said C. D., and him safely convey to the gaol of the said district (or as case may be), and there deliver him to the said keeper thereof, together with this warrant; and I (or we) do hereby command you the said keeper of the said gaol to receive the said C. D. into your custody in the said gaol, and to imprison him for the space of _____ from the day of his arrival as a prisoner thereat, unless the said last mentioned sum of _____, and all the costs of the commitment and conveying of the said C. D. to the said gaol, amounting to the further sum of _____, are sooner paid unto you the said keeper; and for so doing, this shall be your sufficient warrant.

Given, &c. (as in foregoing Form F.)

(G. 2.)

**FORM OF WARRANT OF COMMITMENT, UNDER SECTION
THIRTY-TWO.**

(As in foregoing Form, G 1, to same mark *); And whereas afterwards, on the day of , in the year

I (or as case may be) issued a warrant of distress for the levying of the said amount, together with the reasonable charges of the said distress; And whereas (state circumstances under which, in terms of section thirty-two the warrant is issued); These are therefore to command you the said bailiffs, constables or officers of the Peace, or any one of you, to take the said C. D., and him safely convey to the gaol of the said district (or as case may be,) and there deliver him to the said keeper thereof, together with the warrant; and I (or we) do hereby command you the said keeper of the said gaol to receive the said C. D. into your custody in the said gaol, and there to imprison him for the space of , from the day of his arrival as a prisoner thereat, unless the said last mentioned sum of and all the costs of the said distress, and of the commitment and conveying of the said C. D. to the said gaol, amounting to the further sum of , are sooner paid unto you the said keeper; and for so doing this shall be your sufficient warrant.

Given, &c. (as in foregoing Form G 1.)

(H.)

FORM OF AUTHORIZATION UNDER SECTION FORTY-FIVE.

PROVINCE OF CANADA, } To J. S., of
District (or as case } Police Officer (or Constable, as case
may be) of } may be)

You are hereby authorized, in terms of the Temperance Act of 1864, by us (or as case may be) of Her Majesty's Justices of the Peace, and within whose jurisdiction as such the city (or town, or township, or parish, or incorporated village, as case may be) of (designate municipality within which authorization is to avail) is situate, at any time or times not exceeding (designate the term of time for which the authorization is granted, not being more than three months) from this day, within the said city (or as case may be) to enter into any inn, tavern, or other house or place of public entertainment, or wherein refreshments or intoxicating liquors are sold or reputed to be sold whether legally or illegally.

Given under our hands and seals, this day of
in the year of our Lord one thousand eight hundred and